



**DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
MANPOWER AND RESERVE AFFAIRS
111 ARMY PENTAGON
WASHINGTON DC 20310-0111**



January 18, 2001

**REPLY TO
ATTENTION OF**

Exemption Number 2001-0007

**MEMORANDUM THRU DEPUTY ASSISTANT SECRETARY OF THE ARMY
(RESERVE AFFAIRS, MOBILIZATION, READINESS AND
TRAINING)
ADMINISTRATIVE ASSISTANT TO THE SECRETARY OF
THE ARMY
DIRECTOR OF THE ARMY STAFF**

FOR DEPUTY CHIEF OF STAFF FOR OPERATIONS AND PLANS

SUBJECT: United States Military Academy Faculty Exemption

References:

a. Memorandum, SAMR, 14 August 2000, subject: Interim Guidance for Fiscal Year 2000 Inventory of Commercial Activities and Inherently Governmental Activities (Inventory).

b. Memorandum, MARM-MD, 7 November 2000, subject: Interim Guidance for Fiscal Year 2000 Inventory of Commercial and Inherently Governmental Activities (Inventory).


I have determined that the functions performed by all of the military and civilian faculty at the United States Military Academy (USMA) and at the USMA Preparatory School are non-inherently Governmental functions that should be exempted from private sector performance on the basis of risk to national security, and that some of these functions have an independent basis for exemption based on title 10 United States Code. Accordingly, civilian employees performing these functions will be reported in the Federal Activities Inventory Reform (FAIR) Act Inventory under Office of Management and Budget (OMB) Reason Code A. OMB Reason Code A is designed to identify specific non-inherently Governmental (commercial) activities that should not be subjected to privatization, outsourcing or competition for purposes of the FAIR Act. Military personnel performing this function are not reported in the public FAIR inventory. The criteria for identifying the scope of these determinations are described in the enclosure.

As pointed out in reference b, the military faculty at the USMA provide recent field experience, knowledge of doctrine (tactics, techniques and procedures) and are



essential to maintaining the military character of the institution. The practice of rotating military officers as faculty with recent company-grade leadership experience provides role models for the cadets. I note that title 10, United States Code, prescribes the small core of senior military faculty at the USMA.

Reference b points out that civilian faculty improve the quality of the academic program at the USMA by increasing the percentage of Doctorates of Philosophy on the faculty. Although current law does not allow for tenure for the civilian faculty, faculty stability and reasonable expectations of continued service are critical to maintaining long-term program quality. I take note that no comparable college or university has contracted out its entire faculty to an external commercial entity, and that an A-76 competition involving the faculty at the USMA would likely undermine the academic quality and prestige of the institution.


Patrick T. Henry
Assistant Secretary of the Army
(Manpower and Reserve Affairs)

Enclosure

CF: Sup, USMA

US Military Academy national security and law exemption request will affect positions in the following areas. MDEPs affected are USMA, USMB and QNMG.

1. Military staff and faculty:

- **USMA Professor and Academy Professor, Functional Area (FA) 47.**
- **All Instructor positions, regardless of FA or AOC.**
- **All Tactical Officer positions, regardless of FA or AOC.**
- **All Tactical Non-commissioned Officer positions, regardless of MOS.**
- **All officer and enlisted positions in the Center for the Professional Military Ethic.**
- **All officer positions in the Center for Personnel Development, US Corps of Cadets.**

2. Civilian faculty:

- **Title 10 Professor positions in series 1701.**
- **Visiting Professor positions in Series 1710.**
- **Instructor (Coach) positions GS-11 and above in the series 1701 and 1750.**
- **Center for Enhanced Performance Instructor positions GS-09 and above in series 1701.**